

# Women's Rights in India: Problems and Prospects



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## Abstract

Human rights are vital part of human being both male and female exist in it but our social system makes differences between them. So a big fight takes place for human dignity. Due to the discrimination women have to aware to avail their human rights. Women also have to bear the double burden of domestic chores in addition to their agriculture work. Therefore, any strategy to improve women's access to paid work must also consider how to reduce their double burden. The usual fall out of this double burden is that children, especially the girl child, is often made to take up these chores, like fetching water, collecting fuel wood and fodder, tending to livestock etc. the women have got equal right and status with men in all walks of life. But gender disabilities and discriminations are found in India even today. Women's rights are entitlements and freedoms claimed for women and girls of all ages in many societies.

Women in the process, girl children's education suffer which becomes the cause of continued poverty and large families. These goals are far from being realized in a country women's are deprived of their fundamental right to dignity also, leave alone the question of gender parity. The present paper explores the questions central to women's right in India that is fundamentally Women's execute multilateral role in the society i.e. as a breadwinner of her family, as a caretaker of her family as a mother, wife, daughter and service provider to the society. In spite of the fact that the women's contribution to the country's development is equal to that of their male counterpart. The few challenges faced by the women in India like the dowry, female feticides, denial of inheritance rights, sale and trafficking of girls etc. The objective of the paper is to evolve strategies to empower women uniformly like the men.

**Keywords:** Women's Rights, Problems, Prospects, Empowerment, Challenges.

## Introduction

Women emerged as a distinct interest group in the 19th century primarily because the bourgeoisie democratic revolutions of 17th and 18th century that excluded women from their concept of equality. This distinction was based on gender. Since then women as a commune had waged struggle for recognition of their rights as a human being. Women's execute multilateral role in the society i.e. as a breadwinner of her family, as a care taker of her family as a mother, wife, daughter and service provider to the society. In spite of the fact that the women's contribution to the country's development is equal to that of their male counterpart, still they experience a number of Limitations that restrain them from comprehending their potential for expansion. It was against this background that the government's all over the world felt the need to prioritize the interests of women and their participation at every stage of the development process. Women as a core group of concern emerged as a major theme in the Millennium Development Goal. The Millennium Development Goal are the eight goals set by the United Nations in 2000 which will act as yardstick to determine the advancement in the direction of the obliteration of global poverty. Be attained by the year 2015. The term Women's empowerment implies the ability of the women take all the important decisions independently related to her throughout her life span that will ensure her success in all aspects of life. However these goals are far from being realized in a country like India. Infact often women in India are deprived of their fundamental right to dignity also leave alone the question of gender equality.

**Aim of the Study**

The present paper explores the questions central to women's right in India that is fundamentally Patriarchal in nature. The article attempts to grapple with the few challenges faced by the women in India like the dowry feticides, denial of inheritance, sale and trafficking of girls etc. The objective of the paper is to evolve strategies to empower women who are as human beings as men are. The paper is divided into four sections. The section I lists the areas of women's human rights violation in India. Section II focus on the steps undertaken by the Indian constitution to protect women's human rights. Section III focus on the strategies devised by the government and civil society to empower women in India.

Simply stated, a right is a claim of a individual recognized by the society and the state obviously a proper definition of the tern right has three ingredients. First, it is a claim of the individual, second individual should receive recognition by the community and finally political recognition. Rights are just like moral declarations unless they are protected by the state. The rights have a moral character whether Human rights Natural rights political, economic, social moral and social, moral and civil rights, in other words, they are the rights which a society properly organized on the basis of good will should recognize. And rights are not only related to social welfare, they also related to a dynamic character.

**Women Empowerment**

The dictionary meaning of the word empower is "to give somebody the power or authority to do something or to give somebody more control over their life or the situation they are in." Women's economic empowerment is a prerequisite for sustainable development and proper growth. Achieving women's economic empowerment requires sound public policies, a holistic approach and long-term commitment and gender-specific perspectives must be integrated at the design stage of policy and programming. Women must have more equitable access to assets and services; infrastructure programmers should be designed to benefit the poor, both men and women, and employment opportunities must be improved while increasing recognition of women's vast unpaid work. Innovative approaches and partnerships include increased dialogue among development actors, improved co-ordination amongst donors and support for women organizing at the national and global level. Women's economic empowerment is a prerequisite for sustainable development, pro-poor growth and the achievement of all the MD Gs'. At the same time it is about rights and equitable societies.

(i) There is scope for increasing donor investments in women's economic empowerment. (ii) Achieving women's economic empowerment is not a "quick fix". It will take sound public policies, a holistic approach and long-term commitment from all development actors. (iii) Start with women by integrating gender-specific perspectives at the design stage of policy and programming. (iv) More equitable access to assets and services – land, water,

technology, innovation and credit, banking and financial services – will strengthen women's rights, increase agricultural productivity, reduce hunger and economic growth (v) Infrastructure programmed should be designed to maximize poor women's and men's access to the benefits of roads, transportation services, telecommunications, energy and water. (vi) Women experience barriers in almost every aspect of work. Employment opportunities need to be improved. At the same time women perform the bulk of unpaid care work. This is an area for greater attention by development actors through increased recognition and valuing of the ways in which care work supports thriving economies. (vii) Innovative approaches and partnerships are needed to scale up women's economic empowerment

**Reasons for the Empowerment of Women**

Today we have noticed different Acts and Schemes of the central government as well as state government to empower the women of India. But in India women are discriminated and marginalized at every level of the society whether it is social. Participation, political participation, economic participation, access to education, and also reproductive healthcare. Women are found to be economically very poor all over the India. A few women are engaged in services and other activities. So, they need economic power to stand on their own legs on par with men. Other hand, it has been observed that women are found to be less literate than men. According to 2001 census, rate of literacy among men in India is found to be 76% whereas it is only 54% among women. Thus, increasing education among women is of very important in empowering them. It has also noticed that some of women are too weak to work. They consume less food but work more. Therefore, from the health point of view, women folk who are to be weaker are to be made stronger. Another problems is that workplace harassment of women. There are so many cases of rape, kidnapping of girl, dowry harassment, and so on. For these reasons, they require empowerment of all kinds in order to protect themselves and to secure their purity and dignity. To sum up, women empowerment cannot be possible unless women come with and help to self-empower themselves. There is a need to formulate reducing feminized poverty, promoting education of women, and prevention and elimination of violence against women.

**Mapping of Women's Rights Violations in India**

This section sets out a range of areas of human rights abuse of women in India. Missing of girl child: The idiom "missing women" was for the first time used by Prof. Amartya Sen<sup>1</sup> when he showed that in many developing countries the proportion of women as compared to men in the population is suspiciously low. The lopsided sex ratio in many states in India is one of the main reasons because of which women, and girls, go 'missing'. The girls from the poor families in India are sold off by the brokers to the men's in particularly in Northern India where the problem of imbalanced sex ratio is very much evident. Apart from these there are cases of women going missing from their marital homes.

**Dowry Deaths**

In India the unusual dowry deaths of the women at their matrimonial home has been increasing at a startling rate. Dowry disputes are quite a serious problem. The National Crime

Records Bureau in India in its report had disclosed that in 2012 around 8233 newly wedded brides were killed for dowry<sup>2</sup>. "The role of husband's reaction to dowry brought at the time of marriage on subsequent experience of marital violence. The substantially reduced risk of experiencing physical and sexual violence among women whose husbands were satisfied with the dowry reflects the strong influence of dowry in determining women's position within the household"<sup>3</sup>. In spite of the fact that Section 498A of the Indian Penal code strongly deals with the person responsible for marital cruelty and has declared taking and giving of dowry as a crime it is still being widely practiced in India. Infact 'The Dowry Prohibition Act' has not been adequately put into operation in India. It has been discovered that mostly a number of states neither have a Dowry Prohibition Officers nor do they made it obligatory to keep the record of things given and received.

**Child Marriage**

In India although there exist a law barring the marriages of children at primitive age, but it is still being practiced in different parts of India. Child Marriage Act 2006 prohibits child marriage and declares 18 years and 21 years as the marriageable age for the girls and boys. According to the National Population Policy, "over 50% of the girls marry below the age of 18, resulting in a typical reproductive pattern of 'too early, too frequent, too many', resulting in a high IMR<sup>5</sup>." Child marriage takes away from a girl child the innocence of her formative years of life necessary for physical, emotional and psychological development. Spousal violence especially sexual violence perpetrated by husbands has severe effect on the innocent mind and body of the child. Even today in India a number of children's are married off on the auspicious day of Akas Teej in Rajasthan.

**Domestic Violence**

In spite of the fact that in India we have Protection of Women from Domestic Violence Act 2005', domestic violence still remains a serious problem. In fact a major scale of violence that a woman is subjected to in India is linked to the domain of domesticity. The reasons for Domestic aggression are primarily ingrained in the patriarchal nature of the Indian society which supports such violence at home. Besides this the problem of alcoholics of husband or desire for endowments or a male child are some of the other factors liable for household brutalities in India. The domestic violence had taken the form of psychological and physical abuse against women like slapping, hitting, public humiliation, etc. In India the 'Dowry Prohibition Act and the Protection of Women from Domestic Violence Act and cruelty under Section 498 A of the Indian Penal Code in 1983'<sup>4</sup> declares brutality to a woman in her conjugal house a punishable and non-boilable offence that can lead to a sentence of up to three years and fine

**Preference for a son**

The preference for a son is a phenomenon which is historically rooted in the patriarchal system of the Indian society. The strong preference for having a son emerged with the transition of the Indian society from primitive stage which used to be primarily a matrilineal to feudal stage where agriculture emerged as the primary established occupation of the people to be controlled by the male. The concept of private property emerged and the land began to be divided among the families. The families having control over the larger part of land were seen with pride. Thus, in such a patriarchal landowning society the sons were seen as the major contributor to the family workforce vis a girl. The desires for a son often have an adverse effect on the health of the mother also. All these issues gradually led o the neglect of the female child who are often related to the background even in the present day Indian society.

**Sati**

Even though Sati, an action whereupon the exercise of setting widows on the funeral pyres of their spouse, was barred in the pre-colonial India by social reformer Raja Ram Mohan Roy, but this practice continued to prevail in post-colonial India. The discourse on sati was invigorated in the post-independence India in 1986 when a young bride from Rajasthan named Roop Kanwar was set on the pyre of her husband. As a consequence in 1987, the Sati Prevention Act was passed which declared the practice of sati a crime for which death penalty can also be given to the perpetrators of such crime. The act also declared that the 'glorification' of sati by erecting a temple and worshipping of the deceased women as a god is also prohibited. However certain section of people perceives this law as interference in their right to practice the dictates of their religion.

**Female Feticides**

The low status of women goes on with the practice of infanticide, feticides, sex-selective abortion which has become common due to the amniocentesis technology, and mal-nourishment among girl children<sup>6</sup>. In India it is estimated that around "10 million female fetuses have been aborted in the last 20 years"<sup>7</sup>. "The child sex ratio in Punjab declined from 894 in 1961 to 793 in 2001. In Haryana, the child sex ratio plummeted from 910 in 1961 to 820 in 20018." In spite of the fact that the Government of India have declared pre-birth sex determination through the use of amniocentesis as unlawful, still illicit termination of female fetuses by untrained nurses and staff is widely prevalent particularly in Northern states of India like Haryana, Rajasthan and Punjab. All these have resulted in the escalation of maternal mortality rate.

**Education**

Education is one of the most critical areas of empowerment for women. Although the right to education under Article 21 of the Indian Constitution have made it compulsory for the government to provide free education to everybody, the high rate of women's education is still a distant dream. In spite of the fact that Sarva Shiksha Abhiyan to an extent has been successful in bringing the girl child back to the

schools, yet their retention rate in the school is lower as compared to their male counterpart. In fact it has been found That there is a gradual drop out of the girl students as they move up to the higher classes. This is particularly true in the rural areas in India. The main reasons associated with this is that the parents expects girls to look after the siblings while they are at work, working with the parents as seasonal labor during the cultivation period and managing the household work while the Parents are at work, the parents take more interest in boys education as against the girls as they feel that the girls are to be married off, increasing cost of education etc. Thus the universalization of primary education in India remains a remote day dream for the women.

#### **Forced Evictions and Exclusion**

In India often the widows are evicted from their matrimonial home and are left alone to feed themselves and their children following the demise of their spouses. The UN Special Rapporteur on Adequate Housing argues: "In almost all countries, whether 'developed' or 'developing', legal security of tenure for women is almost entirely dependent on the men they are associated with. Women headed households and women in general are far less secure than men. Very few women own land. A separated or divorced woman with no land and a family to care for often ends up in an urban slum, where her security of tenure is at best questionable". "There is increasing clinching evidence that, in poor households, women spend more on basic family needs, while men spend a significant part on personal goods, such as alcohol, tobacco, etc."

#### **Sexual Harassment at The Workplace**

The initiative on a discourse on sexual harassment of women at their workplace in India started with Supreme Court's Vishaka guidelines in 1997. However it was the passage of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressed Bill 2013' that helped in translating these guidelines into concrete rules that are to be implemented. But even today "the issue of sexual harassment has largely been swept under the carpet in India. The provisions have never been success fully in evoked because of social taboos still associated with sexual harassment"<sup>12</sup>. In India the women are discriminated against in terms payment of remuneration for their jobs. This is true for both urban as well as rural areas. Women entrepreneurs often have to deal with more complications in getting credits to start their independent business.

#### **Rape**

In India there has been a significant increase in the numbers of rape cases in the last 10 years. According to National Crime Records Bureau, in 2012, 25000 rape cases were reported<sup>13</sup>. In India in the rural areas, particularly in Northern India, the upper caste people use mass rapes as a strategy to have power over the members of the lower caste groups. The brutal gang rape case in Delhi had led to the passage of a stricter Law i.e. The Criminal Law (Amendment) Act 2013 to deal with the rape cases in India

#### **Societal Violence against Women**

The communities and societies in India in most of the places are bound up with patriarchal normative universe from which women could hardly get true justice. The religious communities, village communities or the artificial communities like professional bodies are hardly epitome of equality between men and women. Quite often the religious communities have made the life of the women worse by forcing them to adopt conservative practices that are harmful to women.

#### **Strategies of Women's Empowerment in India**

The women in India are positioned at a receiving end primarily because they have remained ignorant of their fundamental civil and constitutional rights. Patriarchal system impinges on every sphere of a woman's life. In such a situation often a majority of them are forced to accept the traditional practices that are detrimental for both their and their children's development. Although women have acquired a level of financial and political autonomy and consciousness about their rights, yet they experience helplessness in bringing about basic changes for eliminating gender inequalities from the society<sup>16</sup>. The National Commission for Women have taken up the cudgels for women's right and have vociferously demanded a separate criminal code for women and enhanced punishment for offences against women. The proposal for creating a separate criminal code for women was designed to provide quick justice to the aggrieved women and speed up the conviction rate. However, this proposal failed to garner support among the government and have been shelved. A multi-layered strategy need to be developed to assess the core causes of violence against women. The state and society must provide instantaneous support to victim-survivors to ensure that the victims can carry on with their daily life. In dealing with the problem of violence against women innovative levels of coordination and integration must be built up between government, civil society and the family. The state occupies a central position in initiating positive policies to end discrimination against women. In India it was state which initiated the first reform measure when after lot of debate it reformed the Hindu Succession Act in 1956 in which women were given equal right to inheritance. Continuous extensive unconditional financial as well as emotional assistance must be provided to the women by both the formal set-up of the state Like legal system, police, medical and health care sectors etc., as well as from the informal networks such as family, friends, fellow citizens, and local community groups. The idea of self-reliant independent women taking independent decisions of her life can be achieved only by educating women that will help them in achieving economic independence, as well as knowledge and awareness about their rights. Special emphasis must be provided in educating women's on the legal and Human rights provided to them by the constitution<sup>17</sup>. A well-known feminist writer Martha Nussbaum argued that the key to development of women is to provide them with the cover of justice. Shelter homes

can provide both counseling and a connection among the women's who were victimised<sup>19</sup>. Violence against women can be curtailed only when cultural norms and attitudes towards the women can be changed for which change should be made in the school curriculum. Curriculum that educates the students at the school, college and university level on issues like human rights and gender issues should be included in their study material. "Curriculum reform that works towards eliminating the gender stereotyping in schools (teaching about women's contributions in history class, eliminating sex stereotypes in textbooks, promoting girls participation in sports) are important steps in achieving gender equality<sup>20</sup>". The violence against the women in India is often supported and perpetuated by the indigenous cultures and the religious leaders. Therefore the indigenous communities must try to put up mechanisms and strategies that eliminate such age old ruthless practices against the women. The religious leaders and researchers must review the sacred manuscripts and doctrines with an idea of to encourage egalitarianism and self-respect for women.

#### **Protection of Women's Human Rights by the Constitution of India**

The constitution of India confers special rights upon women. The constitution makers were well aware of the subordinate and backward position of women in the society. They made some efforts for uplift of women in our society. The state is directed to provide for maternity relief to female workers under Article 42 of the Constitution, whereas Article 51-A declares it as a fundamental duty of every Indian citizen to renounce practices to respect the dignity of women. Indian Parliament has passed the Protection of Human Rights Act, 1993 for the proper implementation of Article 51-A. Indian Parliament over the years have taken significant steps for through legislations to achieve the goal of empowering the women in India. The significant among them are the Equal Remuneration Act, the Prevention of Immoral Traffic Act, the Sati (Widow Burning the rights of) Prevention Act, and the Dowry Prohibition Act etc. Apart from these, the 73rd and 74th Constitution (Amendment) Acts<sup>14</sup> provided for 33% reservation for women in both pachayat and Nagarpalika institutions as well as for the positions of chairpersons of these bodies. These two amendments removed the bottlenecks from the paths of women empowerment at the local level. In fact it has been found that the Karnataka sends maximum number of women to the PRIs followed by Kerala and Manipur. In order to facilitate equal participation of women at the national and state level politics, the bill providing for 33% reservation of seats for women in national and States legislatures has been introduced in Parliament<sup>15</sup>. Besides this, the government in India have enacted a variety of laws like Dowry Prohibition Act, Sati

prevention Act etc. to guarantee the rights of the women. Apart from this, in India, National Commission for Women had been established in 1990 to look into the women's problem. NCW have engaged them to deal with the cases relating to the violation of women's rights. They have pressurized the government to pass stricter laws to deal with the rape cases, domestic violence and to create a separate criminal code for the women etc.

#### **Conclusion**

Thus in short, the Millennium Development Goal on gender equality and women's empowerment can be realized in India only when the traditional practices like female infanticide, dowry deaths, honor killings by khap panchayats, domestic violence, or sexual abuse is eliminated. It is only then that gender equality and women's empowerment can become a reality.

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